In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.21356-M of 2007

.....

Date of decision:4.10.2007

Gurnam Kaur

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Raj Kumar Gupta, Advocate for the petitioner.

Mr. I.P.S. Sidhu, Senior Deputy Advocate General, Punjab for the respondent-State.

.....

S.S. Saron, J. (Oral)

Heard learned counsel for the parties.

The petitioner seeks regular bail pending trial for the offence under Section 304-B IPC.

Learned counsel for the petitioner submits that he press for bail on the ground that the petitioner is in custody since 13.11.2002. It is submitted that the earlier application for grant of bail was dismissed by this Court on 17.8.2004. However, thereafter a period of three years has lapsed and the trial in the case has not completed.

Learned counsel for the State has submitted that only 4 PWs have been examined out of 22 that have been cited in the case. In any case, it is submitted that the petitioner has been named as an accused in the dying declaration made by the victim Iqbal Kaur deceased before the Magistrate. It is also stated that the husband of the deceased-Iqbal Kaur, namely, Pritam Singh is absconding.

Learned counsel for the petitioner has submitted that in fact Pritam Singh is in the Army and he is being tried under the Army Act.

After giving my thoughtful consideration to the matter, it may be noticed that the petitioner is in custody since 13.11.2002 and the trial in the case has not yet completed. In fact, the petitioner has filed three applications for grant of regular bail. Initially she along with her husband Karnail Singh filed Criminal Misc. No.24843-M of 2003 which was dismissed as withdrawn vide order dated 30.5.2003. Thereafter, the petitioner filed Cr. Misc. No.29211-M of 2004. The same was dismissed as withdrawn on 8.7.2004 as it was not informed that the petitioner had earlier filed a bail application. The petitioner then filed Cr. Misc. No.31635-M of 2004. The same was dismissed on 17.8.2004.

Keeping in view the fact that the petitioner is in custody since 13.11.2002 and no substantial progress has been made in the trial of the case despite lapse of a period of almost 5 years, it would be just and expedient to extend the concession of bail to her.

Consequently, the petitioner on her furnishing personal bond and two heavy sureties of which one should be from the locality of the petitioner to the satisfaction of the learned Chief Judicial Magistrate, Ludhiana shall be admitted to bail.

The criminal miscellaneous petition stands disposed of.

October 4, 2007. **(S.S. Saron)**
Judge

hsp